

Board of Pharmacy

Final Statement of Reasons

Subject Matter of Proposed Regulation: Board Accredited Continuing Education

Title 16 Sections Affected: Amend 16 Cal. Code Reg. §1732.2.

Updated Information

The Initial Statement of Reasons is included in this rulemaking file. The information contained therein accurately reflects the board's position regarding the adoption of the above section.

In the Initial Statement of Reasons, the board specified in its "Underlying Data" that it relied, in part, on board meeting minutes from the October 24-25, 2007 Board Meeting. This item was stated in error, as it was at the October 2009 Board Meeting that the Regulation Report provided to the board included an update on the topic of continuing education related to the rulemaking. The dates of the applicable board meeting were October 21-22, 2009. Copies of relevant meeting materials and minutes from that meeting are included in the rulemaking file as Underlying Data.

Following the 45-day public comment period, the board motioned on February 1, 2011 to modify the text of proposed section 1732.2 to strike subdivision (f) because the continuing education referenced in that section was no longer available from the provider, as specified. The board directed that the text be amended and that the proposed modifications be made available for a 15-day public comment period. The 15-day public comment period commenced on February 4, 2011, and concluded on February 21, 2011. The board did not receive any comments in response to the 15-day comment period.

Summary of Comments Received During the 45-Day Comment Period:

The board received one comment during the 45-day public comment period, which is summarized below along with the board's response.

Comment from Margaret Rice, R.Ph., M.S.

Ms. Rice comments in support of the proposed amendments, as noticed, specifying additional methods by which a pharmacist may earn continuing education hours. Mr. Rice also comments that the proposal doesn't seem to clearly state that the proposed amendments are "additions to" existing continuing education requirements and that it may be beneficial to state this more clearly.

Board's Response:

The board appreciates Ms. Rice's comments in support of the proposed amendments to allow additional options for obtaining pharmacist continuing education.

In the Initial Statement of Reasons, the board does state that the purpose of the regulation proposal is to provide additional methods that a licensee may accrue continuing education that is satisfactory to the board. The board did not believe it was necessary to include a phrase such as "additional continuing education" in the text of the regulation, that such a phrase would add clarity to the regulation, or that such a phrase would add further specificity to the text.

As explained above (see Updated Information), the board modified the text of proposed section 1732.2 to strike subdivision (f) because the continuing education referenced in that section was no longer available from the provider, as specified. The board directed that the text be amended and that the proposed modifications be made available for a 15-day public comment period. The 15-day public comment period commenced on February 4, 2011, and concluded on February 21, 2011. The board did not receive any comments during the 15-day comment period.

Local Mandate:

None

Business Impact:

This regulation will not have a significant adverse economic impact on businesses. This determination was based on the absence of testimony indicating adverse economic impact regarding this rulemaking proposal.

Specific Technologies or Equipment:

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives:

No reasonable alternative to the regulation would be either more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to the affected persons than the proposed regulation.